



GENERAL ASSEMBLY

COMMONWEALTH OF KENTUCKY

2012 REGULAR SESSION

HOUSE BILL NO. 122

AS ENACTED

THURSDAY, MARCH 29, 2012

RECEIVED AND FILED
DATE April 11, 2012
12:58 p.m.

ALISON L UNDERGAN GRIMES
SECRETARY OF STATE
COMMONWEALTH OF KENTUCKY
Mary Sue Helm

AN ACT relating to local ordinances concerning residential care facilities.

Be it enacted by the General Assembly of the Commonwealth of Kentucky:

➔SECTION 1. A NEW SECTION OF KRS CHAPTER 65 IS CREATED TO
READ AS FOLLOWS:

(1) As used in this section:

(a) "Cabinet" means the Cabinet of Health and Human Services;

(b) "Local government" means a city, county, charter county, urban-county
government, consolidated local government, or unified local government;

(c) "Persons with a disability" has the same meaning as in KRS 100.982; and

(d) "Residential care facility" means a residence, including a group home or
staffed residence, operated and maintained by:

1. A private agency receiving state or federal funds; or

2. A government agency;

that provides services in a homelike setting for persons with disabilities.

(2) A local government shall not adopt or enforce any licensing or other
requirements specifically applicable to residential care facilities providing
services for persons with a disability beyond those required by statutes or
administrative regulations of the Commonwealth of Kentucky or the federal
government.

(3) (a) A local government may adopt a resolution by its legislative body requesting
the cabinet to provide information on each residential care facility within
the requesting local government's boundaries. The cabinet shall provide
information to the local government within thirty (30) days of the receipt of
the resolution requesting this information. The information provided by the
cabinet shall be limited to:

1. The physical location of the residential care facility or facilities; and

2. The name and contact information for the individual or organization

1 primarily responsible for the oversight of the facility or facilities.

2 (b) Once a resolution has been filed by a local government the cabinet shall:

3 1. Provide that local government updated information if:

4 a. The number of residential facilities within the jurisdiction
5 changes;

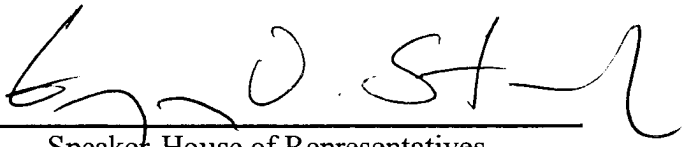
6 b. The physical location changes; or

7 c. The name and contact information for the individual or
8 organization primarily responsible for the oversight changes; or

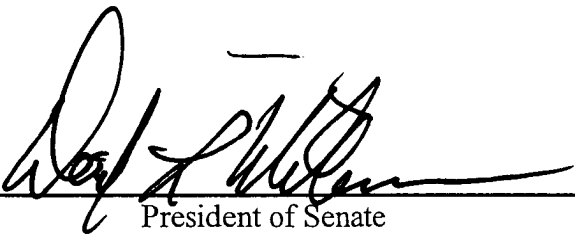
9 2. Provide an annual update of the information provided in this
10 subsection, in the event that the provisions of subparagraph 1. of this
11 subsection do not occur.

12 (c) The information provided in this subsection shall only be for the use of the
13 local government's law enforcement agencies, fire protections services, or
14 emergency service providers. The information provided by the cabinet shall
15 not be subject to the provisions of KRS 61.872 thru KRS 61.884. This
16 exemption applies solely to the local government receiving the information.

17 (4) This section shall not be construed to exempt residential care facilities from
18 compliance with local government ordinances that apply generally within the
19 jurisdiction, including but not limited to business licensing requirements,
20 occupational license taxes, nuisance and property maintenance codes, public and
21 fire safety ordinances, health and sanitation ordinances, zoning requirements as
22 provided under KRS 100.984, or any other type of local ordinance of general
23 application.



Speaker-House of Representatives



President of Senate

Attest: 

Chief Clerk of House of Representatives

Approved 

Governor

Date 4-11-12